APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,586	03/14/2002	Steve R. Krajewski	020375-005400US	3244

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ART UNIT	PAPER NUMBER
3693	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/098,586	KRAJEWSKI ET AL.
	Examiner	Art Unit	
	SARA CHANDLER	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _3_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-7 and 18-23_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-7 and 18-23_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for

reconsideration of application 10/098,586 (03/14/02) filed on 12/12/07.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations

have been considered and interpreted as broadly as their terms reasonably allow.   See

MPEP § 2111.

> Although the claims are interpreted in light of the specification, limitations from
> the specification are not read into the claims. See *In re Van Geuns*, 988
> F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
>
> Applicant always has the opportunity to amend the claims during prosecution,
> and broad interpretation by the examiner reduces the possibility that the claim,
> once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415
> F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have

been considered in judging the patentability of the claims against the prior art. The

following language is interpreted as not further limiting the scope of the claimed

invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result

(e.g., "*for* _____"), but the expression does not result in a manipulative

difference in the steps of the claim. Language in a system claim that states only the

intended use or intended result (e.g., "*for* _____"), but does not result in a

structural difference between the claimed invention and the prior art. In other words, if

the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as "*if, may, might, can could*", as

optional language. As matter of linguistic precision, optional claim elements do not

narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as "*wherein, whereby*", that fail to

further define the steps or acts to be performed in method claims or the discrete

physical structure required of system claims.

> USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

> The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that <u>suggests or makes optional</u> but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

> (A) statements of intended use or field of use,
> (B) "adapted to" or "adapted for" clauses,
> (C) "wherein" clauses, or
> (D) "whereby" clauses.

> See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If

applicant expressly states on the record that two or more independent and distinct

inventions are claimed in a single application, the Examiner may require the applicant to

elect an invention to which the claims will be restricted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated

by Ericksen, US Pub. No. 2002/0123969.

Re Claims 1-7: Ericksen discloses a method for using a decision engine to adjust

parameter values of a financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9;

[0001] – [0063]), the method comprising:

assigning to the financial account an account processing method that sets one or more

parameter values of the financial account, the account processing method having an

associated method override that modifies at least one of the one or more parameter

values set by the account processing method (Ericksen, abstract, Figs. 1-8, Tables 1-9,

[0002] [0003] [0006] [0012] [0027] [0031] [0032] [0034] [0046] [0047] [0048] [0062]);

providing to the decision engine a set of decision criteria comprising a set of decision

elements each having one or more threshold values associated therewith, the set of

decision elements corresponding to account attributes of the financial account

(Ericksen, abstract, Figs. 1-8, Tables 1-9, [0003] – [0012]; [0031] – [0058]);

providing to the decision engine the corresponding account attributes of the financial

account (Ericksen, abstract, Figs. 1-8, Tables 1-9, [0003] – [0012]; [0030] – [0034];

[0046] – [0061]);

obtaining from the decision engine a result indicating whether to apply the associated

method override to the financial account, wherein the decision engine determines the

result by applying the decision criteria to the account attributes (Ericksen, abstract; Figs.

1-8, Tables 1-9, [0001] [0002] [0007] – [0012]; [0027] – [0035]; [0046] [0047]; [0053] –

[0057]; [0062]); and

applying the associated method override to the financial account in response to a result

indicating that the associated method override is to be applied (Ericksen, abstract; Figs.

1-8, Tables 1-9, [0001] [0002] [0007] – [0012]; [0027] – [0035]; [0046] [0047]; [0053] –

[0057]; [0062].

Re Claims 18-21: Ericksen discloses a system for adjusting a processing parameter of

a financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0006]),

comprising:

a first data store for storing financial account data for the financial account, the financial

account data including account processing methods and associated method overrides

applied to the financial account, the financial account data further including account

history information (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]);

a second data store for storing decision rules for determining whether to apply a method

override to the financial account based on the account history information (Ericksen,

abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]); and

a decision engine configured to communicate with the first data store and the second

data store, the decision engine configured to retrieve the decision rules from the second

data store and the account history information from the first data store, to determine

based on the decision rules and the account history information whether a method

override should be applied to the financial account, and to apply the method override to

the financial account (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]).

Re Claim 22: Ericksen discloses the claimed system supra and further discloses a

system comprising a user interface configured to communicate with the first data store,

wherein the user interface is configured to provide financial account data including

whether a method override is applied to the financial account (Ericksen, abstract, Figs.

1-8, Tables 1-9; [0029] – [0034]).

Re Claim 23: Ericksen discloses the claimed system supra and further discloses a

system comprising: a conflict checking module configured to detect a combination of

account processing methods and associated method overrides that creates a conflict

when applied to a financial account and to issue a warning when the combination is

detected (Ericksen, abstract, Figs. 1-8, Tables 1-9; [0001] – [0063]).

Response to Arguments

Oath/Declaration

    Withdrawn

102

    Applicant's arguments have been fully considered but they are not persuasive.

Please note the claimed invention have been given their broadest reasonable

interpretation. Please see remarks supra regarding the interpretation of the claims.

(a) "assigning to *the financial account* an account processing method that sets *one or*

more parameter values of the financial account, the account processing method having

an associated *method override that modifies at least one of the one or more parameter*

values set by the account processing method;"

> "financial account" is akin to the loan for a customer in Ericksen.

> For instance, the present invention may be used with unsecured installment
> loans, unsecured lines of credit, loans secured by cash, loans secured by
> securities (e.g., equity, bonds, mutual funds, etc.), and loans secured by real
> property. However, it will be appreciated by one of ordinary skill in the art that
> the present **invention may also be extended to additional types of loans**
> **other than those listed herein, such as for auto loans, charge cards, and**
> **revolving credit cards.** (Ericksen, [0027])

> "one or more parameter values of the financial account" is akin the type, amount,

terms, APR, fees, interest, price etc in Ericksen.

> The invention allows a lender to offer mass customization of loans to customers,
> such that each **customer's loan may be unique in price, amount, and or**
> **terms to that customer.** (Ericksen, [0031])

> "associated method override that modifies at least one of the one or more

parameter values set by the account processing method;" is akin to customizing the

loan terms in Ericksen.

> The invention allows **a lender to offer mass customization of loans to**
> **customers**, such that **each customer's loan may be unique in price, amount,**
> **and or terms to that customer.** (Ericksen, [0031])

(b) "*providing to the decision engine a set of decision criteria* comprising a set of

decision elements each having one or more threshold values associated therewith, the

set of decision elements corresponding to account attributes of the financial account;"

"providing to the decision engine a set of decision criteria" is akin to requirements

such as the minimum return on equity etc.

> Systems, methods, and computer products take into account the amount, term, and type of consumer loan, as well as data relating to a customer's credit score, debt burden, and collateral, if any. The invention then calculates an expected probability of default for a loan to that customer, and **calculates loan terms that will deliver a minimum return on equity (e.g., 18%) given the lender's capital structure and funding rates.** (Ericksen, abstract)

 (c) "*providing to the decision engine the corresponding account attributes* of the

financial account;"

"providing to the decision engine the corresponding account attributes" is akin to

credit data about the customer such as their credit score, debt burden, collateral.

> Systems, methods and computer program products according to the present invention take into account the amount, term, and type of customer loan, **as well as data relating to a customer's credit score, debt burden, and collateral, if any.** (Ericksen, [0006])

> The custom loan manager includes processing instructions for accepting customer credit application data corresponding to the customer, **accessing credit bureau data corresponding to the customer, calculating an expected probability of default for a loan to the customer based at least in part upon the customer credit application data and the credit bureau data,** and determining customized loan terms that deliver a minimum return on equity for the lender. (Ericksen, [0010])

(d) "obtaining from the decision engine a result indicating whether to apply the

associated method override to the financial account, wherein the decision engine

determines the result by applying the decision criteria to the account attributes;"

(e) "and applying the associated method override to the financial account in response

to a result indicating that the associated method override is to be applied. "

Thus, the decision to apply customized loan terms (i.e., method override) to the

customer's loan (i.e., financial account) is determined by applying requirements such as

the minimum return on equity (i.e., decision criteria) to credit application data and credit

bureau data (i.e., account attributes). When requirements such as the minimum return

on equity (i.e., decision criteria) can be achieved in light of the customer's credit

application data and credit bureau data (i.e., account attributes), customized loan terms

will be applied (i.e., method override) to the customer's loan (i.e., financial account).

> The custom loan manager includes processing instructions for **accepting
> customer credit application data corresponding to the customer, accessing
> credit bureau data corresponding to the customer, calculating an expected
> probability of default for a loan to the customer based at least in part upon
> the customer credit application data and the credit bureau data, and
> determining customized loan terms that deliver a minimum return on equity
> for the lender**. (Ericksen, [0010])

Remarks

Applicant may wish to schedule a telephone interview with the examiner and a

primary examiner prior to submitting the next office action. In particular applicant should

be prepared to briefly discuss the invention, what features/attributes applicant believes

are novel, where those features/attributes are recited in every single independent claim,

and why applicant believes their invention differs from the prior art applied.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SARA CHANDLER whose telephone number is

(571)272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on 571-272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC
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Primary Examiner, Art Unit 3693